

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER

83518

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
10/511,888INTERNATIONAL APPLICATION NO.
PCT/EP03/04030INTERNATIONAL FILING DATE
April 17, 2003PRIORITY DATE CLAIMED
April 19, 2002

TITLE OF INVENTION

MATRIX COMPRISING A BIOACTIVE COMPONENT CONTAINING PHOSPHOLIPIDAPPLICANT(S) FOR DO/EO/US
Cremer et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, PTO/SB/08a Substitute for Form 1449A/PTO and references as indicated.
12. ☒ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A Supplemental Preliminary Amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Notification of Missing Requirements Under 35 U.S.C. 371, Response to Missing Requirements**

CERTIFICATE OF MAILING BY "EXPRESS MAIL""Express Mail" Mailing Label Number EV 513605066 USDate of Deposit 5/26/05

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ED PRICE

(Typed or printed name of person mailing)



(Signature of person mailing)

U.S. APPLICATION NO. (if known, see 37 CFR 1.53)
10/511,888

INTERNATIONAL APPLICATION NO.
PCT/EP03/04030

ATTORNEY DOCKET NUMBER
83518

17. ☐ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO . . . \$ 950.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$ 730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED		NUMBER EXTRA		RATE		
Total claims	16	- 20 =	0	x	\$18.00	\$	0.00
Independent Claims	1	- 3 =	0	x	\$86.00	\$	0.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)	\$290.00	\$	
---	----------	----	--

TOTAL OF ABOVE CALCULATIONS = \$ 0.00

Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to: \$ 0.00

SUBTOTAL = \$ 0.00

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). \$ 130.00

TOTAL NATIONAL FEE = \$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. \$ 40.00

TOTAL FEES ENCLOSED = \$ 170.00

06/01/2005 SNAJARRO 00000053 061135 10511888

01 FC:1618

130.00 DA

AMOUNT TO BE:

Refunded	\$
Charged	\$

18. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

19. ☒ Please charge my Deposit Account No. 06-1135 in the amount of \$ 170.00 to cover the above fees. A duplicate copy of this sheet is enclosed. (*Trans. Nos. 22227 and 22228*).

20. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate date limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a)) must be filed and granted to restore the application to pending status.

01 FC:1618

130.00 CR

SEND ALL CORRESPONDENCE TO:

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, IL 60603-3406 U.S.A.

Telephone: (312) 577-7000
Facsimile: (312) 577-7007



SIGNATURE

Kenneth H. Samples
NAME

25,747
REGISTRATION NUMBER

59



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

KHC/US

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,888	Dirk Cremer	5942-83518

INTERNATIONAL APPLICATION NO.

PCT/EP03/04030

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

04/17/2003

04/19/2002

22242
 FITCH EVEN TABIN AND FLANNERY
 120 SOUTH LA SALLE STREET
 SUITE 1600
 CHICAGO, IL 60603-3406

CONFIRMATION NO. 4210

371 FORMALITIES LETTER



OC000000015639063

Date Mailed: 04/04/2005

Due 6/4/05

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/19/2004
- English Translation of the IA filed on 10/19/2004
- Copy of the International Search Report filed on 10/19/2004
- Copy of IPE Report filed on 10/19/2004
- Copy of Annexes to the IPE filed on 10/19/2004
- English Translation of Annexes to the IPE filed on 10/19/2004
- Preliminary Amendments filed on 10/19/2004
- Oath or Declaration filed on 10/19/2004
- U.S. Basic National Fees filed on 10/19/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Additionally the following defects have been observed:

- Annexes have not been entered because the IPER annexes are not a page for page substitution.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,888	PCT/EP03/04030	83518

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/511,888

Filed: October 19, 2004

Applicant(s): Cremer et al.

Title: **MATRIX CONTAINING A
BIOACTIVE COMPONENT
CONTAINING PHOSPHOLIPID**

Art Unit: 1616

Examiner: Not Yet Assigned

Attorney Docket No.: 83518

Customer No.: 22242

Confirmation No. 4210

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number

EV 1005066 US 2005

Date of Deposit **MAY 26 2005**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

ED Price
(Typed or printed name of person mailing)

ED Price
(Signature of person mailing)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated 4/4/05,

- ☒ A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 is enclosed.
- ☒ An executed Declaration for Patent Application, including Power of Attorney, is enclosed.
- ☒ Supplemental Preliminary Amendment
- ☒ An Assignment of the invention to Bioghurt Biogarde GmbH & Co. KG, and Recordation Form Cover Sheet - Patents Only - Form PTO-1595, are enclosed.
- ☐ A check in the amount of \$_____ to cover the fee for recording the assignment is enclosed.
- ☒ The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment. Charge \$ 40.00 to Deposit Account No. 06-1135. (*Trans. No. 22228*).

Application No. 10/511,888
Response dated 4/4/05
Notice to File Missing Parts dated 5/5/05

☒ Fee Calculation:

Fee Calculation For Claims As Filed

<input type="checkbox"/> Provisional Application Basic Fee	\$ 160.00	_____
Surcharge under 37 C.F.R. §1.16(1)	\$ 50.00	_____
<input type="checkbox"/> Non-Provisional Utility Application Basic Fee	\$ 790.00	_____
Independent Claims <u>1</u> - <u>3</u> = <u>0</u> x \$ 88.00	= \$	<u>0.00</u>
Total Claims <u>16</u> - <u>20</u> = <u>0</u> x \$ 18.00	= \$	<u>0.00</u>
Fee for Multiply Dependent Claims	\$ 300.00	_____
Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	\$ <u>130.00</u>
<input type="checkbox"/> Design Application Basic Fee	\$ 350.00	_____
Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	_____
Total Filing and/or Surcharge Fee	\$	<u>130.00</u>
<input type="checkbox"/> Applicant(s) assert entitlement to Small Entity Status (37 C.F.R. § 1.27), reducing the Filing/Surcharge Fee by half to:	\$	<u>0.00</u>

- ☐ A check in the amount of \$_____ to cover the Filing and/or Surcharge Fee is enclosed.
- ☒ Charge \$ 130.00 to Deposit Account No. 06-1135. (*Trans. No. 22227*).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

May 24, 2005
Date

Kenneth H. Samples
Kenneth H. Samples
Registration No. 25,747

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007